IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.319 OF 2007

Yusuf Mohamed Lakdawala ...Appellant

Versus

Sudhakar Kashinath Bokade ...Respondent

Shri S.U.Kamdar with Ms Bobby Malhotra for the Appellant.
Shri Rabin Jaisinghani i/by Mrs Jacinta D'Silva for the Respondent.

CORAM : ABHAY S.OKA, J.
DATED : APRIL 19, 2007.

P.C.:

1. Heard Advocates appearing for the parties. The learned counsel appearing for the Appellant states that he wants to withdraw this Appeal From Order as the Appellant desires to adopt appropriate remedy for enforcing the suit agreement. He submits that a limited protection may be granted for sometime. He pointed out that there are some observations made in the impugned order about the nature of the suit agreement and therefore, the said observations should not come in the way of the Appellant.

2. I have heard the learned counsel appearing for the Respondent. In view of the submissions made, the

following order is passed:

(i) Appeal is dismissed as withdrawn as the Appellant desires to adopt appropriate remedy for enforcing the suit agreement.

(ii) It is made clear that the observations made in the impugned order were only for limited purpose of considering the prayer for ad-interim relief and if appropriate proceedings are filed for enforcing the suit agreement, the concerned Court will decide the suit without being influenced by the said observations.

(iii) For a period of three weeks from today the Respondent will not create any third party interests in respect of the suit property.

JUDGE